

Message Text

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C O N F I D E N T I A L GENEVA 05252

E.O. 11652:GDS
TAGS: TSPA, UN
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE: DEFINITION AND
DELINEATION OF OUTER SPACE, GEOSTATIONARY ORBIT, AND
FUTURE OF CONSENSUS IN LSC

1. DURING FINAL WEEK OF LSC, DISCUSSION OF SUBJECTS OF
DEFINITION AND DELINEATION OF OUTER SPACE AND GEOSTATION-
ARY ORBITS PRODUCED LITTLE NEW, ALTHOUGH THERE WAS SOME
INCREASED SUPPORT FOR GREATER LSC ATTENTION TO ISSUE
DEFINITIONS (INCLUDING FRANCE) AND EVEN GREATER SUPPORT
AMONG LDC'S FOR ESTABLISHING A REGULATORY REGIME FOR
USE OF THE GEOSTATIONARY ORBIT. THERE WAS VIRTUALLY NO
SUPPORT FOR POSITION OF COLOMBIA AND ECUADOR THAT EQUATO-
RIAL STATES HAD SOVEREIGNTY OVER THE GEOSTATIONARY ORBIT.

2. SOVIET EFFORT TO TABLE AND INCORPORATE IN LSC REPORT
A RESOLUTION CONFIRMING THE APPLICATION 1967 OUTER SPACE
TREATY FAILED WHEN G-77 DECIDED AS A GROUP THAT WHILE IT
COULD NOT SUPPORT CLAIMS OF COLOMBIA AND ECUADOR IT WOULD
NOT OPENLY OPPOSE THEIR CLAIMS. ACCORDINGLY, WITH NO LDC
COSPONSORS, NEITHER USSR NOR US WISHED TO OFFICIALLY TABLE
PAPER. (IN SUBSEQUENT DEBATE, IRAN DID OPPOSE SOVEREIGNTY
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CLAIMS OF EQUATORIAL STATES.)

3. IN INFORMAL CONVERSATIONS AFTER DEBATE, COLOMBIAN REP
INDICATED TO MEMBER OF US DEL THAT COLOMBIAN CLAIMS TO
SOVEREIGNTY OVER GEOSTATIONARY ORBIT WERE NECESSARY TO GET
ATTENTION TO THE ISSUE, BUT IMPLIED THAT ULTIMATELY, AN
EQUITABLE LEGAL REGIME GOVERNING USE OF THE GEOSTATIONARY

ORBIT MIGHT BE ACCEPTABLE. COLOMBIAN REP PROPOSED
BILATERAL CONSULTATIONS IN THIS REGARD.

4. DEFINITION AND DELINEATION OF OUTER SPACE: MANY OF
THE STATES WHICH COULD NOT SUPPORT CLAIMS OF SOVEREIGNTY
TO THE GEOSTATIONARY ORBIT NONETHELESS FELT THAT THE TIME
HAD COME TO CLEARLY DEFINE AND DELIMIT OUTER SPACE. THE
USSR, WHICH HAD INFORMALLY APPROACHED THE US TO ARGUE FOR
THE FIXING OF AN ARBITRARY DEMARCATION LINE AT ABOUT 100
KM BETWEEN AIR AND SPACE, DID NOT REFLECT SUCH VIEWS IN
ITS PUBLIC STATEMENT. FRANCE ENDEAVORED TO HAVE REPORT
REFLECT A DESIRE ON PART OF LSC TO ACCORD HIGHER PRIORI-
TY TO ISSUE OF DEFINITIONS, BUT WITHDREW IN FACE OF LIGHT
SUPPORT.

5. CONSENSUS PROCEDURES IN THE COMMITTEE: NEW MEMBERS
OF LSC GENERALLY SUPPORTED, EITHER IN STATEMENTS OR BY
ACTIONS, THE CONSENSUS PROCEDURE OF OPERATION OF THE LSC.
TENSIONS DID APPEAR WHEN IT CAME TO REFLECTING DIFFERING
VIEWS IN THE REPORT, WITH MEXICO AND A VERY FEW OTHER
COUNTRIES PROPOSING FORMULATIONS WHICH WOULD HAVE COME
CLOSE TO INDICATING A COUNTING OF HEADS. NO SUCH FORMU-
LATIONS WERE ULTIMATELY UTILIZED. STRAINS ON CONSENSUS
WILL NO DOUBT INCREASE IN REGARD TO DBS AND REMOTE SENS-
ING, AND ESPECIALLY THE LATTER AS STATES SEE NATIONAL
INTERESTS BEING AFFECTED BY ON-GOING OPERATIONS, AS
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OPPOSED TO THEORETICAL POSSIBILITIES IN THE CASE OF DBS.
NEVERTHELESS, US DEL BELIEVES THAT CONSENSUS PROCEDURE
SHOULD HOLD UP OVER NEXT YEAR AT LEAST, ABSENT WIDE
PUBLIC ATTENTION AND PRESSURE IN REGARD TO ISSUES BEING
CONSIDERED. IN THIS REGARD, A PERSISTENT REFUSAL OF USSR
TO ALLOW OUTER SPACE COMMITTEE TO CONSIDER NUCLEAR POWER
SOURCES COULD BE HARMFUL. IN APRIL 7 AM SESSION OF LSC,
USSR (MAIORSKI) PROPOSED THAT IN THE FUTURE LSC NOT USE
TERMS "FEW" AND "MANY" IN DESCRIBING POSITIONS OF DELS
BUT RATHER ONLY "SOME" AND "OTHER" DELS. POINTED OUT
THIS MORE CONSISTENT WITH CONSENSUS PROCEDURE OF OSC AND
ITS SUBCOMMITTEES. US DEL BELIEVES USSR SMARTING FROM
USE OF TERM "FEW" APPLIED TO SOVIET BLOC IN S&T SUBCOM-
MITTEE REPORT ON DISCUSSION OF NUCLEAR POWER SOURCES.
AFTER UK AND COLOMBIA SUPPORTED PROPOSAL AND SUBCOMMITTEE
AGREED TO PROCEDURE, US DEL SUGGESTED LANGUAGE TO REFLECT
THIS DECISION BE INCLUDED IN THE LSC REPORT. US PROPOSAL
WAS ADOPTED AND RECOMMENDATION WILL BE CONTAINED IN LSC
REPORT THAT OSC APPLY THIS PROCEDURE IN THE PARENT COM-
MITTEE AND ITS SUBSIDIARY COMMITTEES. US DEL BELIEVES
US INTERESTS AS WELL AS USSR INTERESTS ARE BEST SERVED
BY SUCH AN APPROACH, PARTICULARLY IN LIGHT OF US RELATIVE

ISOLATION ON DBS AND RS AND THE DESIRE TO REINFORCE
CONSENSUS PROCEDURE OF OSC. VANDEN HEUVEL

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